

MEETING MINUTES

I. MONTHLY MEETING AT 7:31 PM

- a. Call to Order – Meeting was called to order by Jeff Gordon at 7:31p.m. Noted that there is a quorum.
- b. Roll Call – Jeff Gordon, Doug Porter, Fred Rich, Gail Dickinson, Ken Ebbitt, Syd Blodgett, Joseph Adiletta, Dorothy Durst, Dexter Young, Delia Fey, Laura Cournoyer-Gagne (Recording Secretary)
- c. Absent – Travis Sirrine, Duane Frederick, John Anastasi

J. Gordon asks for a moment of silence for Orlando.

J. Gordon noted that Delia Fey has returned, part time, Thank you to Tina for work while Delia was out, it was most appreciated.

II. CITIZENS' COMMENTS - NONE

III. DESIGNATION OF ALTERNATES – Doug Porter, Ken Ebbitt

IV. NEW BUSINESS

a. #SP394-98-01A-M1 Holke Realty LLC, Senexet Rd. (Map 5779, Block 56, Lot 02A)- Modification to special permit for tractor sales: Daniel Blanchette, P.E. states that Mr. Holke wants to open a retail space, put up a building with office space. Septic system approved by NDDH, will forward the letter. **MOTION TO TAKE APPLICATION TO PUBLIC HEARING MADE BY G. DICKINSON, SECONDED BY K. EBBITT.** D. Durst asks if application is complete. J. Gordon replies that he understands that all is complete except the NDDH. G. Dickinson notes that a copy of the letter is received and approved. J. Adiletta asks about the outside lighting. Mr. Blanchette says there are only lights on the building, Mr. Holke says that the lighting will be facing down, more detailed information can be added. J. Adiletta notes that more information is needed. J. Gordon states the public hearing would be on July 21, 2016 at 7:45 p.m. **MOTION PASSED UNANIMOUSLY.**

b. CGS 8-24 Review of WPCA's release of grinder pump easements: J. Gordon notes that packet of information received. Peter Ellsworth, Vice Chairman WPCA, is present for questions. J. Adiletta inquires as to how it works when the WPCA relinquishes its maintenance. Mr. Ellsworth responds that the property owners will take over. J. Adiletta asks if the property owners have been notified and Mr. Ellsworth responds that there was a notification sent out in Oct/2015. Property owners will have to maintain their own grinder pump. Mr. Ellsworth says that it's like having a septic system, it needs to be cleaned and kept up. He states that other towns are doing the same. J. Gordon notes that the town attorney is okay with release. **MOTION TO REPORT A FAVORABLE REVIEW MADE BY J. ADILETTA, SECONDED BY G. DICKINSON. MOTION PASSED UNANIMOUSLY.** J. Gordon thanks Mr. Ellsworth for the work that the WPCA does, it's greatly appreciated.

c. Woodstock Academy, 57 Academy Rd. – Student housing renewal 2016/2017: J. Gordon asks D. Fey if there is anything to note. D. Fey replies that the inspection still needs to be done and she can do it next week. J. Gordon notes that this renewal must be done at least 3 weeks prior to expiration, which is July 31st, and notes correct location address is 599 Rte 169. Floor plans haven't changed and required fees have been paid. Joseph Campbell, CFO at Woodstock Academy states the application is complete, not making any modifications. J. Adiletta asks if anything came in from citizens, D. Fey & T. Lajoie both say no. J. Gordon says that the fire marshal usually does his inspection at the end of August, new expiration date would be July 31, 2017. **MOTION TO ACCEPT RENEWAL MADE BY D. YOUNG, SECONDED BY F. RICH.** J. Adiletta notes that application be accepted with the fire marshal report and confirmation of ZEO inspection. S. Blodgett says should be signed by assessor. J. Gordon notes the requirements and that no changes are being proposed. **MOTION PASSED UNANIMOUSLY.**

V. PUBLIC HEARING CONTINUED

a. #SP628-04-16 Old Country LLC, 320 Pulpit Rock Rd. Special Permit for retail use: J. Gordon reminds every one of the rules during a public hearing and the process. He states that since this is a continuance, he asks that only new information be given as he would like everyone to have an opportunity to be heard. J. Gordon also went through the additional new documents received, and noted that copies were given to the applicant. John Guskowski (CME), representing Mr. & Mrs. Knittel, says that the letter submitted summarizes the application, itself, and states the concerns from last month's hearing, the consequence and overview of major criteria. He submitted photos of the business, noting the nature of the business blends into the rural country life of Woodstock. J. Gordon notes this video of proposed parking area as an additional document for the record. He shows video of parking area of proposed location, very visible tree line to keep private, notes & requests that the PZC delay for another month if needed.

D. Fey went out to the site: the landscape is grown in and seems like adequate property for the use intended. G. Dickinson has questions about the accident data submitted. D. Durst comments regarding data of 16 incidents noted in the report were property damage, no other injuries. Another part of the report has accidents due to weather, yet another section indicated that people driving were between the ages of 16-19, and another 71 in age. Noting causes of accidents in the road, weather - driving too fast for conditions. Some were driver error and some years have no accidents at all. PZC prohibited from using traffic conditions to making decision on application. D. Durst points out that the document isn't signed. There is some data about traffic, but does not state data in the same way. J. Gordon says the document was submitted last month and the person who submitted the document can answer questions as he is present at the meeting. D. Durst questions information, does not match up with date, so she could not consider. Steve Voorhees, Pulpit Rock Rd., submitted the letter, he states the accidents happened right down the street from his home, and he witnessed the rollovers. When asked about handicap requirements for parking, D. Fey responds that this would be up to the building official. J. Gordon refers to the letter submitted by John Navarro, and reads into the record.

F. Rich comments on the reduction of the speed limit to 25MPH needs to be added to the list along with signs indicating that the intersection is also a bus stop. K. Ebbitt asks (referring to Mr. Navarro's letter) about the work to be scheduled by the State on Rte 171. Mr. Navarro is in the process of setting up this meeting with DOT. Mr. Guskowski adds that since last month's meeting, the Knittels have taken care of some of the safety issues: tree removal, pool removal and stairs repaired. J. Gordon notes a letter from NDDH states that they received a complaint and concern about the septic being too close to the well. NDDH did a site inspection, and concluded that there weren't any issues with the septic systems on the property and no further action is required. J. Gordon notes a letter sent by Woodstock resident Claire Tinker, and reads into record.

J. Adiletta had inquired as to other non-residential uses on Pulpit Rock Rd. D. Fey gives a list from the assessor's records that T. Bellman had highlighted all businesses in the location. There were six noted. D. Young disputes some of the accident data info, as he was fire chief for 21 yrs. and an active member for 64yrs. He does not know of any accidents off Pulpit Rock Rd, but around the sharp corner. He also disputes some of the info that was stated during the public hearing about Pulpit Rock Rd being the oldest road in the country, etc., and wanted to note that the two maps he copied showed that Pulpit Rock was not the oldest road in the country. Maps come from Town Clerk. D. Fey makes copies and the maps submitted for the record. D. Young continues that for many years there had been a lawn mowing business on this road, and just because the road is scenic does not mean that a person cannot have a business. He does not believe this is a problem for the PZC. J. Gordon opens Public Hearing to the public.

Mary Weaver, Cady Lane: says that safety is an issue, not for the people putting in the business, but for those coming west off of Rte 171, could be a problem for those who don't know the corner. The bus stop could be high risk; thinks there will be more accidents. She states that Saw Mill Pottery wanted to move her business across the street, but was told no because they weren't living there. She is against this application. D. Fey notes that many businesses in town have special permits, and there was no special permit for Saw Mill Pottery, and no denial.

Mary Yokum, Pulpit Rock Rd., says that the issue for her is the extra noise for the residents; slamming of car doors of customers going to the store and delivery trucks. There are a lot of high school kids who take Pulpit Rock to get to school. Concerns over signage, could be distraction, and dangerous intersection for tourists. If retail store is allowed it may cause other retail businesses to want to be in a scenic area. The businesses on Pulpit Rock are not retail and she is against the application.

Mrs. Spencer, Dewey Schoolhouse Rd: says she has the same problems, very dangerous intersection with new people not familiar with the road, if coming from the west. Businesses in the area are not retail. She had questions concerning whether this business could be a bar in the future if it were sold. Will the road need to be widened or will a stop light be required? D. Fey confirms that a special permit does go with the land, so if sold it is limited to what it is approved for: if approved for retail, cannot be a bar or gas station, changes would have to come to PZC with any business change proposal and because it's a scenic road.

Don Robinson, Pulpit Rock Rd: appreciates those who want to have a business, but says that right now trees fully covered but in the fall, that won't be the case and you'll see the house from the driveway. Westbound traffic from Rte 171 is dangerous.

Mr. Guskowski says in response: it's not a choice between undeveloped land and a retail shop. This is impact, demonstrates insignificant impact from a negative standpoint. D. Porter says he concedes to residential traffic vs. retail use for people who have never been there. Mr. Guskowski agrees, believes it will be noted on the website, reduced speed is usually the result when visual signs are seen. K. Ebbitt asks as to how traffic may be reduced. Mr. Guskowski explains how he came to the conclusion between traffic for the store vs. the traffic of the residents of the area, an insignificant change. K. Ebbitt asks about how many customers actually come in and purchase. Mrs. Knittel explains that sometimes three people are in the same car and not everyone buys, but most who stop usually purchase.

Ben Newall, Rte 198: says he has concerns about safety and believes the accident history is not accurate. He explains that he had to take a left onto Pulpit Rock a couple months ago and now has a new view of that direction; it's a major concern with greater risk of accidents. Also has concern of what could happen later on and could it result in other businesses to do the same. If he had property on that road, he would have concerns of his property value decreasing.

Ed Zucca, Pulpit Rock Rd: Says there is another way to get to the business, by using the other end. This could be impassable during some parts of the year from 169 to the business, resulting in unhappy customers. Bad from both directions.

Orion Newall-Vuilletmot, Pulpit Rock Rd: says regarding the historical reference, CT Turnpike is the oldest road. He states that the other businesses on Pulpit Rock do not have signs in front of them. He says walking home every day, the increase in traffic is concerning, winter can be very bad, and asks for safety to be kept in mind.

Gayle Voorhees, Pulpit Rock Rd: comment on Mr. Guskowski's closing arguments from last month, stating that when the leaves are gone you can see the neighborhood. She continues to say that the people on Pulpit Rock Rd are not complaining about the road and its conditions, just to note how fragile it is. The comment "good neighbors" was heard many times, but she asks what does it mean? It's good for the Knittel's but feels as though they would be cashing in on the people who made the neighborhood. It makes the assumption that both parties will benefit. No matter what is done, it's still a commercial property with increased traffic and people turning around in driveways, and concern over property values. She believes it will look like a commercial enterprise and not residential. Mrs. Voorhees asks the commission to be mindful of setting precedence.

Steve Voorhees, Pulpit Rock Rd: says that the Knittel's won't reside there, that business operators are not the same as a home business. He explains that when in attendance at the meet-and-greet, it was asked why they were not doing this at their residence, at Bunggee Lake, and the response was that it was not allowed. So if that

community doesn't allow it, then why should they?. He believes this permit should be denied. J. Gordon explains that the Lake District has its own layers, additional rules, a bit different, and is now its own zone.

Neil Ethier, Pulpit Rock Rd: says that the NDDH was asked to investigate the leaching field. He believes that if a leaching field had to be built today, that it would not be approved.

Amy Ethier, Pulpit Rock Rd: says that the video is not clear, and in the winter, you can see the property next door, and she doesn't want safety to be down played. She states that in reference to the other businesses on Pulpit Rock, she has never heard of them, minimal traffic at best. She explains that retail requires a special permit to hear concerns of the people; between the petitions, letters and residents in attendance at the meeting, more than 100 residents who are opposed must be taken into account when deciding and they must meet all criteria, not just some. (Mrs. Ethier lists the criteria.)

F. Rich states that if the intersection is so dangerous, why is there a school bus stop there, and with no signage to indicate there is a stop? D. Porter comments that everyone keeps saying that this will set precedence, this is not the case and reads the regulation. Also states that it's great to hear from every one. J. Gordon reminds PZC that discussion regarding a special permit has to be grounded in the regulations. Jurisdiction is broad but it is defined. He explains that it is difficult to decide where to put things. It is not precedent setting. The commission tries to be fair and consistent. All applications are looked at individually. He comments about the sign. D. Fey says a new permit is needed for a sign along with lighting and it's a separate process for signage. K. Ebbitt asks if the sign will be on Pulpit Rock or Rte 171 and how many. Mr. Guskowski responds that the sign that is on their current location will be the sign on Rte 171, a small sign at the end of the driveway. J. Gordon mentions last meeting, the three waivers, map details, storm water management plan, and site contacts maps. There are no changes to waivers.

Garth Evans, Pulpit Rock Rd: points out that there are no other commercial retail businesses on Pulpit Rock Rd., that the owners live there with a home occupation. There is a big difference between the two.

As a point of clarification, all businesses were noted in a list, whether home occupation or special permit, and Information was provided from the assessor and reviewed by T. Bellman. The question was posed by J. Adiletta because it was stated that Pulpit Rock was strictly residential.

Mr. Guskowski responds with his belief that what is being proposed is the lesser impact than a home occupation would be on this property. The Knittel's may wish to move there in the future, maintain the residential character, and operate under the home occupation guidelines for the business.

MOTION TO CLOSE PUBLIC HEARING MADE BY D. PORTER, SECONDED BY J. ADILETTA. J. Gordon asks if any other members would like to speak. Mr. Newall adds that it is a precedence issue. If more requests come in the future if business is successful, that could generate more businesses to the area. **MOTION PASSED UNANIMOUSLY.**

VI. OLD BUSINESS

- a. #SP628-04-16 Old Country LLC, 320 Pulpit Rock Rd. Special Permit for retail use: **MOTION TO DENY APPLICATION MADE BY J. ADILETTA, SECONDED BY K. EBBITT.** Discussion: J. Adiletta commends the hearing process, it was very civil and notable voices in opposition. Opposition was mostly with regard to safety. The applicant's representative implied it was not the concern of the commission, disagrees, safety of citizens of Woodstock is a concern for PZC to consider. There is discussion on accident data and proposed traffic and dangerous curve that the state may not address anytime soon. Commission discusses public testimony and factual information.

After careful discussion, F. Rich comments that Woodstock is unique and widely diversified, the charm of Woodstock is there are many businesses throughout town and he would hate to see all businesses located in one spot, Pulpit Rock Rd is a town, public road and has the same rights as everyone else. He is against the motion to deny.

D. Durst shares her concerns about denying something that has nothing to do with the regulations or anything that the applicant has control over. The Commission listened to the public, but facts are what matter and not certain that a poor access point is a reason.

D. Porter points out that a special permit is at the discretion of the commission and is not the same as a subdivision application. J. Gordon confirms this info, that the town attorney has mentioned that and the courts in CT say that the PZC does have purview over health, safety and welfare, and could be criteria used to deny a special permit, it is not by right. Commission discusses their concern with permitting an activity that potentially could cause a serious risk. It is pointed out by Chair Gordon that if the application meets the special permit criteria, then it should be approved. Would having a traffic light there help alleviate some of the concerns? PZC is not sure the traffic report supports this measure. There is continued discussion on safety and what should be considered by PZC with their decision on this application. There are different opinions offered by PZC concerning their discretion.

MOTION TO MOVE OR CALL THE QUESTION MADE BY F. RICH, SECONDED BY D. YOUNG. J. Gordon explains that 2/3 vote is required to move or call the question. If motion to call the question passes, then further discussion on main motion to deny the application cannot be undertaken. **MOTION PASSED 8 to 1, WITH J. GORDON VOTING NO.** J. Gordon states that vote goes back to main motion, which is to deny the application. Motion to move means all discussion is done and a vote has to be done on the main motion. J. Gordon notes that now the Commission cannot go through the Special Permit criteria on the record, as required by the Regulations. In order to do what the Regulations require, the motion to call the question should be reconsidered and voted down. **MOTION TO RECONSIDER THE MOTION TO CALL MADE BY J. ADILETTA, SECONDED BY D. DURST. MOTION PASSED UNANIMOUSLY.** J. Gordon explains that the motion to call has to be revoked. **MOTION TO CALL, ALL OPPOSED, MOTION FAILED.** The motion on the table is to deny the application. The commission can now go through the criteria one by one to see where it stands.

D. Porter says that the motion is to deny, and all criteria must be met to approve, and motion to deny was because of safety. Special Permit decision criteria is read and each evaluated for the record.

Special Permit Decisions Criteria, as per Zoning Regulations Article V, Section B, Sub Section 6, Items Ai through ix:

- i. It is in compliance with the Zoning Regulations of the Town of Woodstock;
 - all Commissioners agree.
- ii. It is consistent with the Plan of Conservation & Development and the Plan of Open Space and Conservation;
 - all Commissioners agree.
- iii. It will generate minimal off-site adverse impacts on the surrounding area, including but not limited to adverse impacts on:
 - a) the environment;
 - all Commissioners agree.
 - b) the character of the area, including any natural, historical and cultural features;
 - all Commissioners agree.
 - c) the property values;
 - all Commissioners agree.
 - d) the reasonable use, enjoyment and development of properties;
 - all Commissioners agree.
- iv. It will neither adversely affect ground or surface waters nor endanger drinking water supplies;
 - all Commissioners agree.

- v. It shall have the approval of appropriate agencies, such as the NDDH, WPCA, DPH, and DEEP for sewage disposal and water service;
 - all Commissioners agree.
- vi. It does not adversely impact existing traffic conditions, including a finding that streets serving the proposed use or activity are adequate to carry any additional traffic generated by the use or activity, and that no traffic safety problem (e.g., poor sight line) will be caused or significantly aggravated by the use or activity.
 - Four say yes (G. DICKINSON, D. YOUNG, F. RICH, D. DURST) and five say no (K. EBBITT, D. PORTER, S. BLODGETT, J. ADILETTA, J. GORDON).
- vii. It will provide unhindered emergency vehicle access;
 - all Commissioners agree.
- viii. It will not adversely affect public health, safety or welfare;
 - Four say yes (G. DICKINSON, D. YOUNG, F. RICH, D. DURST) and five say no (K. EBBITT, D. PORTER, S. BLODGETT, J. ADILETTA, J. GORDON).
- ix. It will meet the following standards, as applicable:
 - a) Adequate landscaping and buffering treatments
 - all Commissioners agree.
 - b) Stormwater management
 - all Commissioners agree.
 - c) Erosion and sediment control
 - all Commissioners agree.
 - d) Lighting
 - all Commissioners agree.
 - e) Signage
 - all Commissioners agree.
 - f) Floodplain
 - all Commissioners agree.
 - g) Dimensional
 - all Commissioners agree.

Criteria is read and noted in the record, now takes the Commission back to the motion on the table, which is to deny the application. Two criteria that by majority it does not meet the criteria. **MOTION TO DENY APPLICATION MEMBERS VOTING YES: K. EBBITT, D. PORTER, S. BLODGETT, J. ADILETTA, J. GORDON. MEMBERS VOTING NO: G. DICKINSON, D. YOUNG, F. RICH, D. DURST. ABSTENTION 0. 5 VOTE, MOTION TO DENY IS SUSTAINED.**

J. Gordon thanks everyone who attended and participated. J. Gordon noted that if members of the public want to propose any changes in the Town ordinance or the Zoning Regulations about scenic roads, then they should contact D. Fey.

VII. PRELIMINARY DISCUSSION - NONE

VIII. CHAIR'S REPORT

Thanks to the staff for all the hard work. J. Gordon presented a plan of action for the Commission to take to further discussions on window business signs: 1) continue to put a hold on zoning violation enforcement on items under discussion, 2) wait for the Woodstock Business Association to do further review on the topic and to report its recommendations to the Commission in a timely manner, and 3) work with D. Fey and the Town Attorney on what

else needs to be changed with sign regulations given the U.S. Supreme Court ruling last year on signs. The Commission agrees. There was discussion with the First Selectman about whether or not to create a new Town ordinance or to use existing processes in place to handle temporary event permits. T. Lajoie worked on this and coordinated a meeting between herself, First Selectman, Fire Marshal and Building Inspector and it was decided that the existing zoning, building, health and fire safety processes are adequate to cover temporary events in town. Waiting for the BOS to add the PA-490 proposed changes to a Town Meeting notice so the changes can be acted upon.

IX. WOODSTOCK AGRICULTURAL COMMISSION

J. Gordon notes the Agricultural Commission sent memo for items to be brought forward, and the work they do is really appreciated. Reva Seybolt, Ag. Comm., thanks everyone for the work being done, and given the late hour, pushing the discussion to another night is fine.

X. MINUTES

- a. Meeting Minutes – May 19, 2016: **MOTION TO TABLE TO NEXT MEETING MADE BY D. DURST, SECONDED BY D. YOUNG. MOTION PASSED UNANIMOUSLY.**
- b. Special Meeting Minutes – April 7, 2016: **MOTION MADE TO APPROVE AS PRESENTED MADE BY G. DICKINSON, SECONDED BY D. DURST. MOTION PASSED UNANIMOUSLY.**

XI. ZEO REPORT

- a. Report on Zoning Enforcement: No violations.
- b. Report on Zoning Permits: No violations to report.

XII. CITIZEN'S COMMENTS - NONE

XIII. BUDGET REVIEW AND BILLS

- a. Bills
Legal notices for Villager, billing date 5/27/16, \$80.85: J. Gordon states this has been signed.
- b. Budget Review

XIV. CORRESPONDENCE

XV. MINUTES OF OTHER BOARDS AND COMMISSIONS - NONE

XVI. OTHER

XVII. ADJOURNMENT

MOTION TO ADJOURN MADE BY D. YOUNG, SECONDED BY F. RICH. MOTION PASSED UNANIMOUSLY. 10:50P.M.

Respectfully submitted,

Laura Cournoyer-Gagne,

Recording Secretary

DISCLAIMER:

These minutes have not yet been approved by the Planning & Zoning Commission. Please refer to next month's minutes for approval/amendments. Please note that the audio recording is the legal record of the meeting.